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# ***Secular republicanism? An analysis of the prospects and limits of Laborde's republican account of religion***

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## **Abstract**

Debates over what the proper role and place of religion within a pluralist and diverse society of free and equal citizens are on-going. While much of the literature grapples over the question of how liberal theories should deal with religion, there is relatively little debate about the prospects and limits of secular republicanism. The key exception to this rule is the work of Cécile Laborde, in which she advocates two strategies for dealing with religion: justificatory secularism and disaggregating the concept of religion. In this paper, I critically analyse both these strategies, flagging up potentially contentious issues and shedding light on the potential for a critical republican secularism.

## **Keywords**

Laborde, alienation, religion, secularism, republicanism, disaggregation, freedom of religion, public reason, justification, citizenship, equality

## **Introduction**

What is the proper role and place of religion within a pluralist and diverse society of free and equal citizens?<sup>1</sup> Most often, this question is answered from a liberal viewpoint, at least as far as the Anglo-American and Western European debate in political theory is concerned. While republican theories have challenged the predominance of liberal accounts in other parts of political theory and philosophy, for instance in debates on the nature and value of freedom or the best conceptualisation of democracy, the same is not true for the debate on secularism. Most of the debates on republicanism and secularism deal with the actually existing republican regime in France and not with republicanism in the philosophical sense. One notable exception to this rule is the work of Cécile Laborde (2008, 2013a, 2013b, 2014, 2015, 2016a, forthcoming) who has provided us with a (critical) republican account of religion and secularism. Moreover, Laborde has claimed that her analysis shows why many existing positions on the role of religion in pluralist societies of free and equal citizens are flawed, and she has suggested to take, instead, a distinctly republican approach. Laborde has given us two possible avenues for dealing with religion and religious beliefs in a just manner, namely, critical republicanism and justificatory secularism. Laborde's account of justificatory secularism gives us an answer to the question of when and where religious reasons are

(im)permissible in public discourse. The framework of critical republicanism, meanwhile, tells us which basic principles should regulate society so that its citizens relate to each other as free and equals. Moreover, in her critique of Dworkin's egalitarian theory of religious freedom Laborde (2016a) has called for a more nuanced engagement with religion and its role in society, namely by disaggregating the concept, that is, by carefully disentangling the various dimensions and functions of religion, including religion as a conception of the good life, religion as a moral obligation, religion as a crucial feature of one's identity, religion as a form of association, religion as a vulnerable class, religion as an institution and religion as a doctrine (Laborde, 2015: 594–595).

In this paper, I want to take a closer look at Laborde's republican account of religion and assess its prospects and limits. In my analysis, I will focus on two key features of Laborde's account, namely the idea of justificatory secularism, which sets out the parameters for public debate and official justification of policies and politics, and disaggregation of religion as a way to conceptualise and implement religious freedom within a critical republican framework. In so doing, I also hope to shed further light on what a secular critical republican society would actually look like. The paper is structured as follows. First, I will look at the idea of justificatory secularism and I will raise some questions concerning the uniqueness of religious reasons. Doing so will lead me to questions concerning the dangers of alienation and whether protection against symbolic violence should be a factor in designing the institutions of a republican society of free and equals. This discussion will naturally lead to the second key-feature I want to analyse, namely the idea that the legal protection and regulation of religion should take a disaggregation approach, so as to allow for people to have their religious beliefs and express these as a way of leading a complete human life as integers and self-respecting citizens. I will challenge some of Laborde's assumptions underlying her proposal, and – on the basis of my analysis – I will flag up some further issues Laborde's critical republicanism will need to grapple with in order to make republicanism a suitable alternative to the predominant liberal model.

### **Justificatory secularism**

The first aspect of a distinctly republican approach to religion (and a hot one to deal with in pluralist egalitarian societies) I want to focus on is Laborde's conception of justificatory secularism. Laborde defines it as a meta-theoretical concept that is both 'conceptually minimalist' and 'normatively deflationary', which – in essence – boils down to the idea that official policy should never be justified by appeal to religious truth (2013a: 165). By defining the concept in this way Laborde's idea of justificatory secularism deals with a whole range of issues and concerns: first, justificatory secularism confirms (at least in part) the *separation* of state and church, that is, the limited sphere of influence

of religious ideology as well as the limited competence of state institutions to comment on matters of religious belief; second, justificatory secularism establishes that states should be justifying their policies on the basis of *non-comprehensive* and *non-alienating* reasons; third, justificatory secularism defines the *space* in which religious reasons are impermissible, thus implicitly also defining the sphere of permissibility for the use of religious reasons; fourth, and connected to the last point, justificatory secularism establishes certain duties and restrictions connected to people's *social roles*. Despite its initially simple apparent structure, then, justificatory secularism has far-reaching implications.

First of all, it is important to note that justificatory secularism goes well with long-established liberal ideas concerning secularism, namely that the powers of church and state should be separated (though wide disagreement exists regarding what such separation actually entails) and that states should be relatively neutral concerning different comprehensive conceptions of the good. What is interesting about Laborde's proposed republican concept of justificatory secularism is that it draws the boundaries in different places than existing liberal states (despite their large variety) do: on the one hand, justificatory secularism is demanding with regard to the separation of state and church while, on the other hand, its approach to state neutrality is of a non-substantive nature, that is, it sees 'neutrality' as a downstream commitment, restricted to a particular site.<sup>ii</sup>

The basis for Laborde's account is an upstream commitment to a critical republican interpretation of freedom and equality. This republican upstream commitment limits the kind of claims that can be advanced within society, that is, reasons and values that deny a person's (or a group's) freedom or aim at undermining her (or their) standing as (a) social equal(s) are from the get-go deemed impermissible for grounding public policy. Laborde's (2008; Garrau and Laborde, 2015) critical vein of a broadly republican political theory draws heavily on the interpretation of equality as a social-relational concept. It holds that all members of society must not only enjoy equal rights and a fair distribution of resources, but also that all citizens can relate to each other as free and equal members of society in a state whose institutions and norms respect all of them. On top of that comes Laborde's stern commitment to separation, which holds that coercive actions of the state cannot be justified in the name of god and that states are not competent to judge on matters of religious disagreement. That is to say, Laborde sees separation as encompassing two aspects: first, the authority of the state does not extend to matters of religious controversy, since states are not competent to judge whether religious doctrine A or religious doctrine B (or neither) is true: second, religious reasons may only be advanced in particular spheres (e.g. personal deliberation, media debate) while, in other spheres, the use of religious reasons is impermissible (e.g. policy debates).

Accordingly, Laborde's republican theory suggests that 'ordinary' citizens may refer to their religious beliefs when arguing about ethics and policy, while public officials – at least when they speak in their capacity as officials – should not refer to such beliefs. This provides an important departure from many standard liberal accounts which follow a Rawlsian public reason account when determining the boundaries of religious reasoning in public and private deliberation. According to Rawls (1993, 1999), public reasons are accessible to all members of society by virtue of the fact that they are not based on people's comprehensive doctrines since these are potentially sectarian. Moreover, Rawls (1993: 217) introduces the idea of a duty of civility, which states that one should confine oneself to public reasons when it comes to justifying one's support for a particular position regarding a fundamental political issue. However, there exists significant disagreement over whether Rawls's account of public reason is directed at all citizens or only at particular public officials, since Rawls's explanations of public reason and the duty of civility in *Political Liberalism* and *The Idea of Public Reason Revisited* differ significantly.<sup>iii</sup> The difference between Laborde's justificatory secularism and Rawls's idea of public reason is this: according to Rawls, even elected officials can at times use religious and other comprehensive reasons for justifying policies, as long as they sincerely intend to provide, in due course, non-comprehensive political reasons in support of said policy.<sup>iv</sup> Moreover, Rawls (1999: 587) treats all comprehensive reasons alike, explicitly rejecting Robert Audi's (1993: 692) argument that secular reasons, which are defined as reasons that do not 'evidentially depend on the existence of God' for their normative force, should be admissible in public political debate. Laborde, meanwhile, wants to put forth a minimalist principle that simply rules out invoking god or religious doctrine in the official justification of state policies.<sup>v</sup> Thus, on the one hand, Laborde tries to avoid the ambiguity and scope that comes with many Rawlsian accounts of public reason and the duty of civility, while on the other hand, Laborde bans only religious reasons, not all comprehensive reasons from the justification of public policy.

However, formulating separation in this way seems to single out religious reasons as special, since one could obviously ask why it is only justification in the name of god that is the problem. In other words, what we said thus far seems to suggest that, for Laborde, religion is after all special, which seems to present a clear departure from so-called substitution views of religious freedom which claim that religion is just a conception of the good (Laborde, 2015; Maclure and Taylor, 2011; Schwartzman, 2012). So what is Laborde's republican response to this issue?

### **What (if anything) makes religion special?**

As it turns out, according to Laborde religion *as such* is not special, since it is too broad a concept to be dealt with in one fell swoop. However, this does not mean that we should prematurely treat

religion like any other conception of the good, which is something that even many champions of the substitution view fail to do (Eisgruber and Sager 2007; Laborde, 2015: 588). Instead, if properly disaggregated, we can distinguish between different dimensions of religion, such as the cultural, the ethical, the social, the institutional and the justificatory (Laborde, 2016a), and it is the last two dimensions that critical republicans should particularly worry about. As Laborde (2016b: 423) puts it, 'religion is (minimally) special for purposes of nonestablishment but not special for purposes of free exercise'. In other words, with regard to the justification of the state and its policies, critical republicans should worry about the institutional and justificatory dimensions of religion, while with regard to the legal protection of the free exercise of religion we can subsume religion under existing categories, such as freedom of conscience, freedom of thought, freedom of speech, and freedom of association. So let us take a closer look at the issue of nonestablishment and why Laborde thinks religion is minimally special in this domain.

According to Laborde, we have to be sensitive to two key dimensions of religion: on the one hand the institutional dimension, that is, when religious interests lay claim to political power and rule; on the other hand, it is the justificatory dimension, namely, when religious reasons ground public policy for an ethically and religiously diverse society. With regard to the former, Laborde advocates a strong commitment to the separation between church and state. With regard to the latter, the justificatory role of religion, Laborde thinks that religion is indeed special, or rather that religious reasons are special.

If Laborde's argument is correct (2013a: 173), religious reasons are unsuitable for justifying political policy because religious reasons are comprehensive in scope, controversial in content and alienating in form. The fact that religious reasons exhibit all three of these features makes them in Laborde's eyes uniquely problematic, since it is the combination of *all three features* that is the cause for concern. As Laborde suggests, while there might be certain non-religious reasons which are equally ethically comprehensive and epistemically controversial, what makes religious reasons particularly unsuitable for official political discourse and the justification of (coercive) policy is their *alienating form*. According to Laborde (2013a: 173), religious reasons are more likely to be divisive and alienating 'because of a particular history of conflict whereby religious categories have acquired political and social, not only epistemic and ethical, salience. It is these two additional features of religion – the heritage of religious conflict and the persisting use of religion as a marker of discrimination and exclusion – which ultimately ground justificatory secularism'. Therefore, Laborde (2013a: 173) notes, 'religious reasons are on a different plane from other deeply controversial reasons'.

At this point, it is worth pausing for a moment and to critically consider Laborde's argument for the (minimally) special nature of religious reasons (within a republican framework). It seems that we should investigate at least two questions before accepting or rejecting Laborde's argument: first, are religious reasons really uniquely alienating in form? If yes, why is that the case, and if not, or not necessarily, which other kinds of cases and reasons might we need to consider? Second, what does it mean for a reason to be alienating and what is the normative force of identifying something as alienating? Let us first focus on whether religious reasons are indeed uniquely alienating in form.

It certainly rings true that religion, at least if we limit ourselves to the world's most prominent religions such as Islam, Catholicism, Judaism, Protestantism, Hinduism and Buddhism, is even nowadays used as 'a marker of discrimination and exclusion'. However, it seems that the above description, that is, being a marker of discrimination and exclusion, could also apply to other categories, such as a shared culture which, just like in the religious case, often appears in combination with ethnic stereotyping, as was the case in the German debate on the existence/absence of/need for a unified *Leitkultur* (which roughly translates as lead culture). While the German *Leitkultur* debate also featured divisive religious reasons, there were many aspects to this debate which made use of what could be called cultural reasons that seemed just as ethically comprehensive, epistemically controversial and deeply alienating as the religious aspects of the debate. As Hartwig Pautz (2005: 41) points out, the *Leitkultur* debate in Germany was, in part, an attempt to replace the outdated conception of a unified people (German: *Volk*) based on *ius sanguinis* with the more contemporary picture of a unified sense of cultural belonging based on a fictitious *ius cultus*. In the case of Germany, this shared culture was of course constructed around so-called Christian values, but it would be misleading to say that it were religious reasons that did the job of alienating and othering those of foreign descent. This is not to deny that in the societies we live in, religious reasons are particularly likely to be at the forefront of an alienating justificatory establishment of state policy; however, there seems to be no clear normative argument for why we should believe that religious reasons are unique in that respect. In fact, the prominence of impermissible religious justification of state policy seems to be a contingent aspect of our world and as philosophers we are probably easily able to imagine a society in which the above-mentioned social and political salience is attached to the question of whether a citizen is a deontologist or a consequentialist. Returning from imagined societies to the real world, though, it seems that there after all exists a class of non-religious reasons which is relevantly similar in form to the religious reasons Laborde discusses.

On top of that, there is another worry, namely that justificatory secularism should not just worry about religious reasons but also about other forms of religious establishment because of their

alienating effects. The underlying rationale for this is that alienation is an issue that is not only caused by the justificatory use of controversial religious reasons, as Laborde (2008) herself has previously argued. In her 2008 book, *Critical Republicanism*, Laborde draws on the idea of equal social status and citizenship to explain why critical republicans should not just be concerned with the formal distribution of rights and duties, as well as material resources like income and wealth, but also with how the state and its institutions recognise and treat people. For critical republicans, the state and its institutions must not only not dominate particular individuals or groups, but also guarantee that all citizens relate to each other as equals and are treated as equals, which implies that all citizens must – at least in theory – have the chance to relate to the state and its institutions in similar ways, that is, a state should be the state of all its citizens, not just of a dominant majority which happens to tolerate an existing minority.

Therefore, as Laborde points out (2008: 90), ‘symbols do matter when the basic identification of citizens with their institutions is concerned’, since symbolic recognition, or rather the absence of symbolic misrecognition and alienating practices and justifications seems crucial for allowing each and every citizen to be, feel and act like an equal.<sup>vi</sup> While Laborde discusses the importance of symbolic (mis)recognition with regard to religious symbols, it seems quite clear that cultural symbols used and cultural practices engaged in by the state, its institutions and its representatives might be just as alienating. This, however, seems to suggest that also in the realm of the symbolic religion might not be special.

Moreover, it becomes clear that determining the proper role of religion in a critical republican society might not just be about the official separation of state and church, and the site of religious justification, but also about symbolic practice in a wider sense, which potentially seems to lead back to controversial issues which Laborde’s account of justificatory secularism appeared to nicely circumvent – namely more substantial secularism and the symbolic neutrality of the state. In other words, if we agree that symbols matter and that non-coercive state activities, including the engaging in particular practices, can have alienating effects, too, we are an important step removed from the initial discussion of whether state policies should be justified in the name of god, or whether state officials are allowed to express policy proposals exclusively on the basis of comprehensive and contested religious beliefs. Instead we face a debate over (symbolic) establishment.

The problem with including symbols in one’s account of what the state is allowed to ‘say’ is threefold: first, the earlier-introduced distinction and disaggregation between the justificatory and the cultural is blurred; second, it seems even less likely that religion (i.e. religious reasons and religious symbols) are truly different from other more cultural cases; third, symbolic neutrality,



understood as a state and its institutions being symbolically non-divisive and open to all, seems simply unattainable, unless one wants to focus exclusively on the most widely followed conventional religions (a focus which seems problematic for reasons of equality).<sup>vii</sup> It thus seems that, in order to satisfy Laborde's aim to guarantee that all citizens relate to each other as equals, are treated as equals and are non-alienated, we need to go either beyond justificatory secularism or be clearer about the nature and scope of the non-establishment that the concept entails, especially with regard to the symbolic.

However, even if we leave these issues aside for the moment and if we take it for granted that religious reasons are special, we still need to answer the question of what it means for a reason (or, of course, a symbol) to be alienating and why this normatively matters.

### **Examining alienation and its normative role**

By arguing that public justification of policies qua religious reasons and symbolic establishment can be alienating, Laborde claims that alienation is normatively relevant. That is, if we identify a practice as alienating we seem to have reason to object to this practice precisely because it is alienating. However, as Sune Laegaard (forthcoming) and Jonathan Seglow (this issue) point out, it is questionable whether it is really alienation that does the normative work here, or whether it is something else, like an underlying ideal of equality or an expressivist account of harm.<sup>viii</sup>

One key problem with most standard accounts of alienation is that they must include a subjective dimension, that is, alienation is as much about a subjective feeling as it is about structures, symbols or practices and what they express. The subjective dimension is important since without it, that is, when one 'objectively' describes which states of affairs alienate whom, one claims to know who the relevant actors are (e.g. the Muslim community),<sup>ix</sup> how they feel, and how their processes of identification work. In so doing, one would speak for the other (instead of on behalf of the other) based on abstractions, somewhat essentialising the other's identity and operating with imagined rather than real identities and communities. In short, without considering the real lived experiences of the victims of alienation one runs into the danger of rendering the other voiceless. In other words, any convincing account of alienation needs to include a subjective dimension, which allows for the expression of actual experiences of alienation.

While the subjective element of alienation is thus crucial, critical republicans need to provide further criteria in order to identify the instances of alienation their theory should be concerned with, since presumably not all reasons a person might advance for feeling alienated will prove normatively relevant. In other words, one needs a range of discernible criteria for assessing whether a claim that a person (or group) has been alienated is warranted and normatively relevant,

since people might feel alienated for reasons we deem impermissible, for instance, when a daffodil lover feels alienated because the national flower is a lily.<sup>x</sup> One of the reasons why we might object to the daffodil lover's complaint is that the *object* of the complaint is not of the right kind, since flowers might be considered less sectarian than crosses. However, it is of course imaginable that the use of a floral symbol becomes politically and socially so charged that we actually do consider a lily a suitable object for an alienation complaint.

Thus, instead of claiming that the object of the complaint is inappropriate, we should probably see whether we can usefully employ Laborde's earlier definition of alienating reasons, that is, we only consider those symbols that have taken on a political and social salience beyond their mere cultural use to be the adequate objects of alienation complaints. If we want to usefully apply this definition, however, we have to be clearer about the involved categories (i.e. cultural use versus social and political salience), especially since many symbols might be considered *historically charged*, which means that they are part of an established *cultural heritage*, but possibly even still today, socially and politically salient. This then brings us to a point where we have been before, namely, the question of whether religious reasons and symbols are special in the way that Laborde claims. After all, ethnic reasons and symbols are probably potentially just as divisive and alienating as religious ones. However, if we ultimately were to conclude that religious reasons and symbols are not special, it would seem that even when it comes to (non)establishment and public political justification religion is not after all (minimally) special. But let us not prematurely jump to conclusions.

One way of explaining why we should care about alienation is to understand cases of alienation at least in the first instance as epistemically useful: complaints in terms of alienation help us to spot and identify injustices and practices of misrecognition.<sup>xi</sup> In other words, alienation should be understood as a response to cases of unjust treatment and the violation of people's equal standing. However, whether a particular complaint is indeed a case of alienation depends on whether alienation is – for the case in question – the correct response, that is, whether the initial treatment is indeed unjust, misrecognising and discriminating and thus whether the complaint is a reasonable response. To label a response 'correct' or 'reasonable' is of course controversial, since we might fall back into a scenario in which the white, Christian, male-dominated majority tells the marginalised and disadvantaged whether their complaints are correct and reasonable, but this need not necessarily be the case. According to Laborde (2008), alienation should be understood as referring to people's identity and status as equal citizens being under threat. Following Young (1990), Laborde wants to preserve at least part of the subjective dimension of alienation, since it is actual people and their struggles which matter. Therefore, every individual complaint about alienation should be taken seriously, but the concept that seems to be doing the bulk of the

normative work in the background is a republican understanding of social equality and democratic citizenship. In other words, whether a particular subjective claim about being alienated is considered a valid complaint against society seems to depend on whether the claimant can show that existing practices of justification (and symbolic establishment) undermine his or her equal standing in society.

As Joshua Cohen (2011: 257) puts it when introducing his Endorsement-Exclusion-Thesis (which shares some similarities with Laborde's account of justificatory secularism), endorsement of particular religious reasons would amount to the exclusion of others in the space of reasons and the potential diminishment of their standing as citizens. However, it is important to stress that what is at stake here is equal social standing and people's equal democratic citizenship, rather than a claim that all people should have symbolic equality or be able to equally identify with the institutions of the state. With regard to symbolic equality, it simply seems obvious that states will never be able to treat each and every comprehensive doctrine alike. Similarly, with regard to people's ability to identify with the institutions of the state, it is not the case that each and every conception of the good will allow people to relate to the state and its institutions in the same way. In fact, some religious beliefs might even require their followers to be somewhat detached from all worldly things and institutions.<sup>xii</sup>

On this reading of alienation and its normative role, then, republicans are primarily concerned with making sure that the state, its institutions and its policies are justified in such a way that people from all walks of life can relate to each other as free and equal citizens. This idea in itself, though, that is, the idea that a just society is one in which each and every person is a social equal and one in which state policies are based on non-divisive and non-sectarian reasons implies a strong upstream commitment to the kind of republican principles introduced earlier, which Daniel Brudney (2005) criticises as unjustifiably controversial in its own right. While I will not go here into the question of whether Laborde's upstream commitment to her particular vein of critical republicanism is defensible or not, it is important to stress that, on the most plausible understanding of the argument, from alienation one is led back to this upstream commitment and the importance of equal social standing.

In other words, the primary normative work is done by our commitment to social egalitarian and republican principles about the basic principles of a just society, rather than the idea that religious reasons are alienating and that we thus need to deal with religion and religious reasons in particular ways. In fact, it seems as if what counts in a particular society as divisive and alienating depends on the history, culture and circumstances of that society, so that Laborde's first republican principle maybe should not be called justificatory secularism but justificatory non-sectarianism. On top of

that, the question remains of whether we should not revise the entire idea of justificatory secularism (or non-sectarianism) so as to include a firmer account of non-establishment, which seems to operate implicitly in Laborde's theory. In fact, Laborde's concern with symbolic misrecognition, alienation, and equal social standing might lead us to reject most (if not all) forms of moderate establishment, which includes cases such as state funding for religious associations that provide non-religious public goods, religious instructions in state schools, or religious symbolism in state institutions, such as crosses in state school classrooms. However, again the reason for doing so is probably not that some citizens will feel alienated (which might be seen as just another reason why we should worry about establishment, or possibly cases of alienation could be seen as important indicators for a state of injustice) but that establishment violates the equal standing of all citizens and expresses a kind of social hierarchy.<sup>xiii</sup>

### **The legal protection of disaggregated religion**

When it comes to the legal protection of religion and religious practice, Laborde (2015) holds that religion is not special. However, this does not mean that one should withdraw freedom of religion from the usual list of basic liberties, or that one can simply subsume religion under freedom of conscience. Instead, Laborde (2015: 586) wants to find a way to make sure that a society's legal treatment of religion fulfils three basic desiderata: it should allow for a wide range of beliefs and practices, it should not be sectarian, and it must fulfil the demands of egalitarianism in that it is non-discriminating and treats like cases alike. According to Laborde (2015), disaggregating religion into its different domains such as, for instance, religion as a conception of the good life, religion as a moral obligation, religion as a crucial feature of one's identity, and religion as a form of association, allows us to be sensitive to the different functions that religion can have and to protect what is valuable about the particular functions.

As mentioned earlier, some liberal theorists (e.g. Dworkin, 2013) hold that religion is just a conception of the good. While Laborde (2016a) rejects this strongly reductive claim, being a conception of the good is one of the crucial functions religion often has. Accordingly, Laborde (2015: 596) argues that, as a conception of the good, religion should be protected by freedom of thought, speech and belief, just like any other conception of the good. As a conception of the good, religion could not be used to justify exemptions from laws and regulations, as liberal (and republican) states are supposed to be impartial about different conceptions of the good. Moreover, having a particular religion as one's conception of the good would not bestow any additional normative weight on one's plans and aspirations, since the reason why we should value religion as a conception of the good is

simply that being able to form, revise and pursue one's conception of the good is seen as part of leading a self-determining and autonomous life.

However, in many cases religious beliefs seem to go far beyond what one commonly calls a conception of the good. As Laborde (2015: 597) points out, religion in many cases seems to be an integral part of people's identity. Moreover, religious and other comprehensive (moral) beliefs are the sources of conscientious obligations, that is, people's most deeply held beliefs about what is right and what is wrong. In both these dimensions, i.e. religion as a moral obligation and as a crucial feature of one's identity, religion seems part of what could be called people's integrity. Integrity, in turn, is a major source for people's self-respect, as people appraise themselves for acting according to their most deeply held beliefs and principles (Seglow, forthcoming). The value of integrity is something that religious and non-religious can agree on (Bou-Habib, 2006): living a life of integrity is living 'a life where one's actions cohere with one's ideas about what is right for one to do' (Laborde, 2015: 589). Moreover, Laborde (2015: 597) claims, if we are prevented from doing what we feel is right, we suffer a harm that is much larger than if we were prevented from doing what makes us happy or doing what we prefer to do.

Therefore, religion can give rise to claims to exemption and special treatment, but not because somebody is religious as such, but because these religious beliefs are a core part of a person's identity or because they are part of one's ethical integrity. In both cases, it is of course not only possible to apply for legal exemption if one is religious, since that would violate two of the explicit desiderata of Laborde's account, i.e. to be non-sectarian and egalitarian. In fact, Laborde (2015: 597) explicitly states that there might be 'meaning-giving cultural commitment[s]' which are just as important and integral as deeply held religious commitments, a sentiment also expressed in other integrity-based accounts such as Bou-Habib's (2006).

While this equivocation of religious and cultural commitments (as well as religious morality and other deeply held moral beliefs) might lead some to worry that, in Laborde's republican account the law will 'protect all integrity-promoting practices ... and therefore nothing', Laborde (2015: 597) is quick to point out that her approach will only allow exemptions for practices that are part of a person's *core ethical integrity*. Moreover, all cases for the exemption of particular practices would of course be tested for sincerity and actual meaningfulness. Hence Laborde (2015: 598) believes that there will be many fewer exemptions than people think, as: a) it will be only those citizens with integrity-establishing commitments who will apply for exemptions, and b) arguments from integrity will by no means lead automatically to exemptions, as 'ethical integrity does not carry the *pro tanto* weight conventionally accorded to claims of freedom of religion and conscience', meaning that c)

most exemptions will be 'exemptions from dress code' (Laborde 2015: 598). However, these three conclusions seem a bit quick and possibly premature, so we shall unpack these claims one by one.

First, it is unclear why we should think it is a good thing that only people with integrity-establishing commitments apply for exemptions. The argument behind this is, of course, that one can only get exemptions from standard practice and law if one really holds deeply integrity-establishing commitments. However, this might worry us, since it seems that on this account a society with various factions of religious fanatics, whose religion is not denying the validity of our republican upstream commitments but comes with stringent rules about what to eat, how to live, how to behave and how to dress, might have to make room for all sorts of exemptions. The reason for this is that an integrity-based account like Laborde's will allow exemptions for stern believers where less stern believers will get none. Making these exemptions of course seems sensible if we look at the case of individual believers, who belong to a minority in society and who just want to follow their religion within a pluralist republican society. However, if there are enough of these stern believers and if these groups of believers tend to be religiously fanatic, creating a culture of religious (or rather integrity-establishing belief) exceptionalism, this could have significant knock-on effects for all those citizens who are less strongly committed, who might feel that they are disadvantaged (or at least negatively affected) just because their integrity does not hinge on beliefs that call for public displays and exceptions from standard rules. It therefore matters for what kind of cases exemptions can be had, how others' interests are considered and how we avoid having a society with general impartial laws that are weakened by a widespread culture of exceptionalism.

Second, from what has been said thus far, it might seem that the integrity-establishing nature of one's beliefs and the sincerity with which one holds these beliefs are the only normative criteria we need for establishing whether a person should get an exemption or not. It therefore might seem doubtful whether Laborde's assertion is correct that in a republican society claims from ethical integrity will not have the same weight that religious freedom claims nowadays have in countries like the US. Remember that the value doing the normative work here is ethical integrity which Laborde (2015: 589) described as a value that religious and non-religious people can agree on. Moreover, Laborde (2015) claimed that if our ethical integrity is violated we suffer a major harm. In addition, Seglow (forthcoming) reminded us that living a life of integrity is a major source of self-respect. However, if ethical integrity is indeed that important, it seems doubtful that arguments from ethical integrity would be considered less weighty than existing arguments from religious freedom. In fact, if the strategy of disaggregation wants to accomplish what it set out to do, namely to capture the various aspects of religion without using the confusing and multi-faceted idea of religion for grounding claims, integrity-based arguments express the weightiest claims we could

make on a religious basis, to wit, those which concern our identity and our moral conscience. However, there are two additional requirements and safeguards which restrict the normative purchase that integrity-based claims have: first, any integrity-based belief is not allowed to violate or stand in stark contrast with society's upstream commitment to the principles of critical republicanism, which prescribes freedom and equality for all; second, any exemption based on integrity claims shall not violate others' rights or diminish others' opportunity to live an autonomous and integer life. Both these restrictions are extremely important since, on the one hand the primacy of society's commitment to free and equal citizenship is affirmed, and on the other hand, it is made clear that as soon as an exemption, or a cumulative set of exemptions, leads to a tangible and normatively relevant disadvantage for other citizens, even reasonable integrity-based claims can be rejected.

In light of these restrictions, does this therefore mean, third, that Laborde (2015: 598) is right in assuming that what is at stake in republican societies concerns mainly dress code? This seems actually doubtful since – as Laborde (2015: 589) herself puts it – integrity claims are ultimately about being able to live a life 'where one's actions cohere with one's ideas about what is right for one to do'. This idea of a life of integrity most definitely is not restricted to dressing appropriately. In fact, we can imagine a wide range of exemptions that people want to apply for, based on their most deeply held ethical and religious beliefs. Examples could include alternative work hours, prayer breaks, the exemption from particular procedures or practices, alternative meal arrangements and many more. It quite frankly seems odd that Laborde focuses on dress code since a critically republican society of free and equals seems to be perfectly compatible with a much greater range of integrity-based exemptions than she initially admits.

If these arguments are correct, though, it seems that disaggregating religion is mainly about making sure that it is clear which values and commitments are the normative drivers of a particular argument or claim. In this sense under a disaggregation regime religion will not be special anymore, since any deeply held ethical belief might qualify as an integrity-based claim for alternative treatment. Hence, to assume that disaggregating religion will also lead to a reduction in contentious claims and to what could be called a privatisation of religious practice seems unwarranted. Instead, because of Laborde's rather minimalist account which allows religious believers to use the concept of ethical integrity to advance their claims, and which bans sectarian reasoning only from the justification of state policy, it seems that a republican society will be one in which religious diversity is not only protected but also actively lived and discursively present. Critical republicanism in Laborde's vein does not force people to jettison their moral, religious and cultural ties in the name of state impartiality and liberal neutrality. Instead, critical republicanism aims to give all its citizens,

with their respective commitments, equal standing. Thus, the only beliefs that will be excluded from the public realm will be those that violate the republican and social-egalitarian upstream commitments Laborde starts out with, while all other commitments will be assessed in terms of their importance, weightiness and compatibility with freedom and equality for all.

## **Conclusion**

The analysis in this paper was an attempt to determine the prospects and limits of Laborde's critical republican account of the proper place of religion within a republican society. I focused on the two key strategies of Laborde's project, namely justificatory secularism and the disaggregation of religion. While justificatory secularism supposedly holds that religious reasons are minimally special, the disaggregation of religion aims to show that religion, as such, is not. In looking at both strategies, I suggested that religious reasons actually are not even minimally special and that Laborde would be better off calling for justificatory non-sectarianism rather than justificatory secularism. Moreover, I argued that offering religious believers ethical integrity as a way to advance their claims might lead to more multifaceted outcomes than republicans seem to assume, highlighting the fact that Laborde's critical republicanism should not be seen as promoting a uniform society of impartial compromise, but a society with both an impartial state that avoids contentious religious justifications and equality-undermining forms of establishment and a diverse and mutually respectful citizenry that allows people to live – as far as possible – in harmony with what they think is right and their moral duty. This – it seems to me – is the very core of Laborde's critical republican account of religion and it is also what sets it apart from most standard liberal accounts of secularism.

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<sup>i</sup> For reasons of simplicity and analytical clarity, I abstract in this paper from the complexities of the real world and I focus on citizens, assuming that all members of a society enjoy that status or will enjoy it (once they reach a certain age). This is not to deny that there exist a range of pressing issues around the status and equal standing of permanent and semi-permanent non-citizens with particular (and maybe be even genuinely different) religious beliefs. However, dealing with these more intricate cases lies outside the scope of this paper.

<sup>ii</sup> For the time being I use the term 'neutrality', even though what Laborde ultimately talks about is a form of wide, non-divisive justificatory basis for public policy. This is a point I will return to later.

<sup>iii</sup> Rawls is extremely ambiguous and somewhat inconsistent in his account of public reason. In *Political Liberalism*, Rawls (1993: 217) clearly states that public reason does not only apply to 'official forums' since that 'does not go far enough'. However, in *The Idea of Public Reason Revisited* Rawls (1999: 575) states that it is 'imperative to realize that the idea of public reason does not apply to all political discussions of fundamental questions, but only to discussions of those questions in what I refer to as the public political forum'. It is thus not surprising that Rawls's idea of public reason has been interpreted in many conflicting ways: Bonotti (2015), for instance, interprets Rawls's idea of public reason as a concept with a large scope, going as far as arguing that citizens' duty of civility should be a legal duty, not just a moral one. McBride (this issue), meanwhile, holds that the duty of civility applies only to citizens' internal deliberations and not to external collective deliberation.

<sup>iv</sup> The requirement of sincerity within theories of public reason is a controversial one (see Schwartzman, 2011).

<sup>v</sup> Interestingly this means that Rawls and Laborde agree that a society's background culture and civil society should not be subject to restrictions on religious speech. According to Rawls (1993: 348), free speech should be upheld unless the Clear and Present Danger rule has been violated.

<sup>vi</sup> This is not to say that, on Laborde's account, all citizens have to identify in the same way with the state and its institutions. Instead the claim is one about the state having to give all its citizens the possibility to relate in similar ways.

<sup>vii</sup> What I mean when I say that it is unattainable for the state and its institutions to be symbolically non-divisive and open to all is that achieving such a state of affairs is only possible if we either limit the realm of symbols we are concerned with (e.g. we only care about crosses) or we limit the range of permissible grounds on which people can claim to feel alienated.

<sup>viii</sup> Laegaard and Seglow both make a range of arguments similar to mine, though Laegaard's focus is on symbolic establishment, while Seglow concentrates on non-coercive moderate establishment. Moreover, Laegaard is interested in symbolic equality rather than republican social equality which is my focus here.

<sup>ix</sup> See Arshad Isakjee (2014). I am grateful to Isabel Hollis for raising this point.

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<sup>x</sup> In other words, when dealing with subjective experiences of alienation we should worry about receiving false positives as well as false negatives, since some will complain simply because they cannot have it their way, while others might not complain even though they are the victims of alienating practices.

<sup>xi</sup> I am grateful to Sune Laegaard and Jonathan Seglow for insightful comments on how to conceptualise alienation in this way.

<sup>xii</sup> I am grateful to Cillian McBride for alerting me to this point.

<sup>xiii</sup> This account of the illegitimacy of many cases of moderate establishment thus is close to but, in detail, different from the one proposed by Jonathan Seglow in this issue.